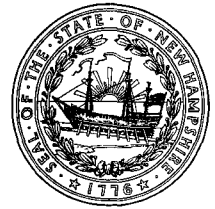




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

March 10, 2005  
**Letter of Deficiency**  
DSP#05-004

Mr. Edward Webb  
Rust Pond Assoc.  
Box 664  
Wolfeboro, NH 03894

RE: Rust Pond Dam #258.04, Wolfeboro

Dear Mr. Webb:

The Department of Environmental Services, Dam Bureau (DES) consistently strives to enhance the safety of dams in New Hampshire through its dam safety program. One of the many instruments that play a part in reaching this goal is our inspection program. DES is forwarding this correspondence to you to advise you that in accordance with RSA 482:12 and Env-Wr 502.02, an inspection of the subject dam was conducted on December 16, 2004. During this visual inspection and/or file review, the following deficiencies were observed:

1. There was tree and brush growth located on both the left and right embankments;
2. There is eroded concrete on both the left and right sides of the concrete sluice located just downstream of the stoplogs;
3. The Emergency Action Plan (EAP) has not been tested or updated since 2001; and
4. The operation and maintenance plan (O&M) on file should be reviewed and updated.

DES believes that the above deficiencies can be corrected by performing the following items by the next scheduled inspection which is allocated for 2006:

1. Remove all tree and brush growth from both the left and right embankments;
2. Inspect under low flow and repair as necessary the concrete in the stoplog bay sluice;
3. Test and update the EAP. The NH DES new emergency contact numbers should be inserted on the notification flowchart, as follows: 419-9206 (cell) and 639-6982 (pager). (The business number can be deleted). Any change in dam monitors should be made on the notification flowchart. The telephone number for Wolfeboro Dispatch should be removed. Additionally, the Wolfeboro Police Department should be contacted to inquire as to whether the Wolfeboro Dispatch should contact the NH State Police, rather than the Police Department. Please contact Bethann McCarthy at 271-4167 to discuss her recommended improvements to the inundation map, or if you have any questions; and

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Dam #258.04/DSP#05-004  
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4. Review and update the O&M plan. The plan must be modified to require annual mowing and rush removal on the earth embankments.

DES is requesting that you complete and submit the attached "Intent to Complete Repairs" form, within 30 days of receipt of this letter, that will provide for correction of the identified deficiencies by the date(s) indicated above. Please call or write to our office if the repairs are completed ahead of the aforementioned schedule so that DES may schedule a follow-up inspection. Unless notified otherwise, DES will conduct the follow-up inspection on or after the date(s) indicated above. If you believe changes to the items of work or dates are necessary, please make the changes directly on the form and provide a brief explanation. We have enclosed a self addressed stamped envelope for you to return this form.

Our intent in sending you this correspondence is to make you aware of items that DES believes warrant your attention to insure the continued safe operation of your dam. It is our hope that, through the submittal of the attached form and a commitment to keeping a well-maintained dam, you will voluntarily comply with the requested items of work. If we do not receive the intent form or a similarly adequate written reply, we will assume that you are in agreement with our findings and recommendations and DES will carry out follow-up inspections accordingly.

If you have any questions or comments regarding this Letter of Deficiency or would like to be present at future inspections, please contact me at 271-3406, or write to the Water Division at the address listed on the bottom of the previous page.

Sincerely,

Jeffrey M. Blaney, P.E.  
Dam Safety Engineer

Attachments Copy of O&M on file, DB8, DB13, Sketch Illustrating Deficiencies  
cc: Gretchen R. Hamel, Legal Unit Administrator ✓  
Bethann M. McCarthy, P.E., EAP Coordinator  
Town of Wolfeboro  
Certified # 7000 1670 0000 0588 5977  
JMB/was/h:/safety/wendy/lod/258-04lod.doc